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February 23, 2012

VIA HAND DELIVERY

Ms. Sharon Schellin
Secretary to the D.C. Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: Z.C. Case No. 10-28 – PUD and Zoning Map Amendment Application of 901
Monroe Street, LLC (the “Applicant”) – Post-Hearing Submission

Dear Ms. Schellin:

The materials included in this post-hearing submission address the issues and comments that were made by the Zoning Commissioners during the February 2, 2012 Public Hearing in the above-mentioned case.

Additional Community Outreach

Based upon the request of the Chairman, the Applicant proposed a series of dates for an additional meeting with the Parties in this case (the 200 Footers and the Brookland Neighborhood Civic Association) in order to further discuss the community amenities package and the Development and Construction Management Plan proposed by the Applicant. As noted in the attached e-mail correspondence with Ms. Kahlow, the 200 Footers refused to meet with the Applicant and representatives of the Brookland Neighborhood Citizens Association, see Exhibit A.

Thereafter, the Applicant hosted two separate meetings to engage in further community dialogue. The first meeting occurred on February 13, 2012 at the Col. Brooks Mansion. Representatives of the Brookland Neighborhood Civic Association and all owners of property within 200 feet of the PUD project were invited to this meeting. Representatives of the development team personally delivered invitations to all invitees. One person attended this meeting and the majority of the discussion was related to possible alternative components to the community amenities package. The second meeting occurred on February 20, 2012 and included Ms. Kahlow, ANC 5A07 Commissioner Steptoe and approximately 10 members of the 200 Footers. In this meeting, the 200 Footers noted the testimony of Ms. Kahlow regarding the

community amenities which they deemed to be a priority. However, the majority of the meeting was spent discussing construction management issues.

The Applicant has made significant changes to the Development and Construction Management Plan that it originally proposed, as well as to the community amenities package in direct response to the issues and dialogue that occurred at these meetings.

Construction Management Agreement

The Applicant used the Construction Management Agreement that was submitted by the 200 Footers at the February 2, 2012 Public Hearing as the base document for further discussion with the 200 Footers on February 20, 2012. Attached as Exhibit B, is a Construction Management Agreement that the Applicant believes appropriately addresses and incorporates the issues and concerns that were raised by the 200 Footers in a way that satisfies the interests of both the 200 Footers and the Applicant. This Construction Management Agreement is significantly more detailed than the Applicant's prior Development and Construction Management Plan. The Applicant has agreed to abide by all of the provisions of the attached Construction Management Agreement, as conditions of approval in the Zoning Commission Order, even if the 200 Footers do not agree to all of its terms. While the 200 Footers have requested that a system of fines be established to assure compliance with the Construction Management Agreement, the Applicant believes that including these provisions as conditions of the Zoning Commission's Order in this case is an appropriate mechanism to assure compliance.

Community Amenities Component of the Project

In response to comments that were provided during the public hearing process and that the Applicant heard at the meetings on February 13, 2012 and February 20, 2012, the Applicant has revised the community amenities package for this project. The major changes that have been made include the reallocation of the financial contribution that was previously slated for the Academy of Hope to an established 12th Street Façade Improvement Program and the creation of a \$5,000 credit for each of the six adjacent 10th Street property owners that can be used for hardscape or landscape improvements on their properties.

The Applicant will make a contribution of \$25,000 to the Washington Area Community Investment Fund (WACIF) to be used for a 12th Street, NE Façade Improvement Program. Throughout WACIF's years of being located on 12th St. it has continuously been a resource for the Brookland community's small businesses. WACIF is also an important player in supporting the Greater Brookland Business Association. WACIF managed the Brookland Façade Improvement Project for the District Department of Small and Local Business Development in 2008 and 2009. This façade improvement project served five Brookland small businesses located on 12th Street. Participants in this program obtained new signs, new awnings, glass replacement, grate removal/replacement, and new paint. WACIF provided oversight and financial management for the program. Additionally, the program used only small and local

service providers for all façade improvements. The program was completed on-time and on-budget. With the infusion of an additional \$25,000, the Applicant believes that WACIF can continue to help small businesses along 12th Street survive and thrive. The Applicant will make this payment prior to the issuance of the building permit for the project.

In their written submission to the Zoning Commission, the 200 Footers noted that one of their preferred amenities included:

Provide the following **infrastructure improvements** for the 6 abutting property owners (the 10th Street row-houses): (a) add fence screening (i.e., from the proposed bikers sidewalk) & streetscape lighting in the public alley abutting the development, (b) add landscaping & trees on 10th Street, (c) replace the sidewalks & retaining walls on 10th Street & in the public alley, (d) plant trees in the public alley as a noise & privacy buffer

The Applicant believes that the proposed PUD project addresses these specific requests of the adjacent 10th Street property owners. However, the Applicant is now proposing to provide each of the six adjacent 10th Street property owners with a \$5,000 credit (for a total expense to the Applicant of \$30,000) which can be used for hardscape and/or landscape improvements on their property. Each individual 10th Street property owner will be able to determine whether they will use the \$5,000 credit for improvements to the front of their homes on 10th Street (such as for repairs or replacement of the retaining walls on their property adjacent to the sidewalk), to the rear of their property (which could be used for plantings to provide additional visual buffering), or a combination of the two. The Applicant will be responsible for performing this work on behalf of each 10th Street property owner and will be required to provide evidence that this work is completed prior to the issuance of a Certificate of Occupancy for the residential portion of the project.

The Applicant's final community amenities package, with additional detail on all components of the amenities package, is included in Exhibit C. The Applicant believes that these amenities that will create lasting benefits to the entire Brookland community that will last for the life of the PUD project.

Additional Architectural Renderings

In response to the request of Commissioner Schlater, the Applicant has provided an updated aerial perspective of the project (included in Exhibit D) which includes the final massing and building articulation. The previous aerial perspective, which depicted the old design and which was presented in the 200 Footers testimony, is also included in Exhibit D.

In response to Chairman Hood's request, the Applicant has provided additional renderings of the PUD project, also included in Exhibit D. These renderings provide further illustrations of how this project has been designed to be respectful of the surrounding community

and building types, while still creating a memorable and identifiable building at this critical juncture along Monroe Street.

Closing Statement of the Applicant

The application that was presented in written submissions and testimony to the Zoning Commission fully satisfies the PUD evaluation standards enumerated in Section 2403 of the Zoning Regulations. As noted in the Applicant's submissions and testimony, and the Office of Planning's report, the proposed PUD project provides superior site planning, architecture and landscaping. The Applicant is proposing a community amenities package that is appropriate for this project and helps achieve numerous objectives outlined in the Brookland/CUA Metro Station Small Area Plan.

The Applicant has engaged in significant discussion and dialogue with the surrounding community. As Mr. Menkiti noted in his testimony, the Development Team had approximately 35 meetings with members of the Brookland community. In addition, the Applicant hired Don Edwards of Justice & Sustainability Associates to encourage and foster additional dialogue with the community about the potential community amenities for this project. In response to a request from the Chairman, the Applicant met with the 200 Footers and agreed to a significantly enhanced Construction Management Agreement. In response to comments raised by the 200 Footers and members of the Brookland Neighborhood Civic Association, the Applicant revised its community amenities package to include funds for a Façade Improvement Program along 12th Street and funds for hardscape and/or landscape improvements on the properties of the adjacent 10th Street property owners.

The changes that have been made to the PUD project during this public hearing process fully address all of the issues raised by the Zoning Commission and the community. This PUD process has resulted in height reductions and increased distances from adjacent residences on the south, east and courtyard faces of the project. The building has been modified and refined to provide an appropriate transition to the adjacent residential uses. In response to DDOT comments, the Applicant agreed to restrict larger retail trucks from coming to the site.

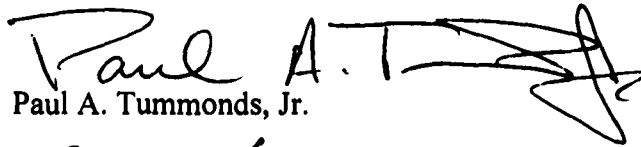
As noted in the extensive testimony from representatives of the Office of Planning, the Office of Planning's report, and the Applicant's pre-hearing statement, the PUD project is not inconsistent with, and in many aspects fully consistent with, numerous elements and policies of the Comprehensive Plan including the Brookland/CUA Metro Station Small Area Plan.

For all of these reasons, the Applicant requests that the Zoning Commission approve the PUD and Zoning Map Amendment application proposed in Zoning Commission Case No. 10-28.

Sharon Schellin
February 23, 2012
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The Applicant looks forward to the Commission's decision on this case at the March 12, 2012 public meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Tummonds, Jr.", with a stylized flourish at the end.

Paul A. Tummonds, Jr.

A handwritten signature in black ink, appearing to read "Cary R. Kadlec", with a stylized flourish at the end.

Cary R. Kadlec

Enclosures

cc: See attached Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2012, copies of the attached letter and enclosure were delivered via courier or U.S. Mail to the following:

Stephen Cochran (By Hand Delivery)
D.C. Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024


Jeff Jennings (U.S. Mail)
District Department of Transportation
55 M Street SE, Suite 500
Washington, DC 20003

ANC 5A (U.S. Mail)
1322 Irving Street NE
Washington, DC 20017

Carolyn Steptoe, ANC 5A07 (By Hand Delivery)
1257 Lawrence Street, NE
Washington, DC 20017

"200 Footers"
c/o Barbara Kahlow (By Hand Delivery)
800 25th Street, NW
#704
Washington, DC 20037

Brookland Neighborhood Civic Association (By Hand Delivery)
c/o Caroline Petti
1502 Otis Street, NE
Washington, DC 20017


Paul Tummonds